

(i) surface preparation;
 (ii) protective coatings;
 (iii) materials selection;
 (iv) cathodic protection;
 (v) corrosion engineering;
 (vi) personnel training; and
 (vii) best practices in environmental protection to prevent environmental degradation and uphold public health; and

(B) require a certified contractor, for the purpose of carrying out aspects of applicable bridge projects described in paragraph (2), to employ a substantial number of individuals that are trained and certified by a qualified training program as meeting the ANSI/NACE Number 13/SSPC-ACS-1 standard (or a successor standard).

(4) CERTIFICATION.—For an applicable bridge project that includes an aspect described in paragraph (2), a State department of transportation shall only accept bids from a certified contractor that presents written proof that the certification of the contractor meets the relevant SSPC-QP standards (or successor standards).

(c) TRAINING PROGRAM.—As a condition of entering into a contract for an applicable bridge project, each certified contractor shall provide training for each individual who is not a certified coating applicator but that the certified contractor employs to carry out aspects of applicable bridge projects described in subsection (b)(2).

SA 2557. Ms. BALDWIN (for herself and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In the eighth proviso under the heading "DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM" under the heading "RURAL UTILITIES SERVICE" under the heading "RURAL DEVELOPMENT PROGRAMS" under the heading "DEPARTMENT OF AGRICULTURE" in title I of division J, strike "electric cooperatives" and insert "pole owners".

SA 2558. Ms. BALDWIN (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division H, add the following:

SEC. 810. PAYMENT TO CERTAIN INDIVIDUALS WHO DYE FUEL.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"SEC. 6433. DYED FUEL.

"(a) IN GENERAL.—If a person establishes to the satisfaction of the Secretary that such person meets the requirements of sub-

section (b) with respect to diesel fuel or kerosene, then the Secretary shall pay to such person an amount (without interest) equal to the tax described in subsection (b)(2)(A) with respect to such diesel fuel or kerosene.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—A person meets the requirements of this subsection with respect to diesel fuel or kerosene if such person removes from a terminal eligible indelibly dyed diesel fuel or kerosene.

"(2) ELIGIBLE INDELIBLY DYED DIESEL FUEL OR KEROSENE DEFINED.—The term 'eligible indelibly dyed diesel fuel or kerosene' means diesel fuel or kerosene—

"(A) with respect to which a tax under section 4081 was previously paid (and not credited or refunded), and

"(B) which is exempt from taxation under section 4082(a).

"(c) CROSS REFERENCE.—For civil penalty for excessive claims under this section, see section 6675."

(b) CONFORMING AMENDMENTS.—

(1) Section 6206 of the Internal Revenue Code of 1986 is amended—

(A) by striking "or 6427" each place it appears and inserting "6427, or 6433", and

(B) by striking "6420 and 6421" and inserting "6420, 6421, and 6433".

(2) Section 6430 of such Code is amended—

(A) by striking "or" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "or", and by adding at the end the following new paragraph:

"(4) which are removed as eligible indelibly dyed diesel fuel or kerosene under section 6433."

(3) Section 6675 of such Code is amended—

(A) in subsection (a), by striking "or 6427 (relating to fuels not used for taxable purposes)" and inserting "6427 (relating to fuels not used for taxable purposes), or 6433 (relating to eligible indelibly dyed fuel)", and

(B) in subsection (b)(1), by striking "6421, or 6427," and inserting "6421, 6427, or 6433".

(4) The table of sections for subchapter B of chapter 65 of such Code is amended by adding at the end the following new item:

"Sec. 6433. Dyed fuel."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to eligible indelibly dyed diesel fuel or kerosene removed on or after the date that is 180 days after the date of the enactment of this section.

SA 2559. Ms. MURKOWSKI (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1592, strike lines 6 through 13 and insert the following:

"(2) is placed in service on or after the date of enactment of this section;

"(3) meets the requirements of subclauses (I) and (III) of section 242(b)(1)(B)(ii); and

"(4)(A) is in compliance with all applicable Federal, Tribal, and State requirements; or

"(B) would be constructed or brought into compliance with the requirements described in subparagraph (A) as a result of the capital improvements or investment carried out using an incentive payment under this section.

On page 1593, line 15, insert "subject to subsection (c)," before "environmental".

On page 1594, between lines 8 and 9, insert the following:

"(c) CONDITION.—Incentive payments may only be made for environmental improvements under subsection (b)(3) on the condition that the improvements, including any related physical or operational changes, have been authorized under applicable Federal, State, and Tribal permitting or licensing processes that include appropriate mitigation conditions arising from consultation and environmental review under the processes.

On page 1594, line 9, strike "(c)" and insert "(d)".

On page 1594, line 18, strike "(d)" and insert "(e)".

SA 2560. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 11102 and insert the following:

SEC. 11102. OBLIGATION LIMITATION.

(a) GENERAL LIMITATION.—Subject to subsection (d) and notwithstanding any other provision of law, for each fiscal year, the obligations for Federal-aid highway and highway safety construction programs shall not exceed the net highway receipts most recently estimated by the Secretary of the Treasury for that fiscal year under section 9503(d)(1)(B) of the Internal Revenue Code of 1986.

(b) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each fiscal year, the Secretary—

(1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) shall not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under section 202 or 204 of title 23, United States Code); and

(B) for which obligation authority was provided in a previous fiscal year;

(3) shall determine the proportion that—

(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs, less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary

under this division and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for the fiscal year; and

(5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned under sections 202 and 204 of title 23, United States Code) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (b), the Secretary shall, after August 1 of each fiscal year—

(1) revise a distribution of the obligation authority made available under subsection (b) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP-21 (Public Law 112-141)) and 104 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under chapter 5 of title 23, United States Code.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (b) for each fiscal year, the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year because of the imposition of any obligation limitation for the fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (b)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be

available for any purpose described in section 133(b) of title 23, United States Code.

At the end of division C, add the following:

SEC. 3. OBLIGATION LIMITATION.

Section 5338 of title 49, United States Code (as amended by section 30017), is amended by adding at the end the following:

“(f) OBLIGATION LIMITATION.—Notwithstanding subsection (a) or any other provision of law, for each fiscal year, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsection (a) and any other provision of law shall not exceed the net mass transit receipts most recently estimated for that fiscal year by the Secretary of the Treasury under section 9503(e)(4) of the Internal Revenue Code of 1986.”.

SA 2561. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2065, strike line 13 and all that follows through “(6)” on page 2071, line 1, and insert the following:

(B) shall deploy the broadband network and begin providing broadband service to each customer that desires broadband service not later than 4 years after the date on which the entity receives the subgrant, except that an eligible entity may extend the deadline under this subparagraph if—

(i) the eligible entity has a plan for use of the grant funds;

(ii) the construction project is underway; or

(iii) extenuating circumstances require an extension of time to allow the project to be completed;

(C) for any project that involves laying fiber optic cables or conduit underground or along a roadway, shall include interspersed conduit access points at regular and short intervals;

(D) may use the subgrant to deploy broadband infrastructure in or through any area required to reach interconnection points or otherwise to ensure the technical feasibility and financial sustainability of a project providing broadband service to an unserved location, underserved location, or eligible community anchor institution;

(E) once the network has been deployed, shall provide public notice, online and through other means, of that fact to the locations and areas to which broadband service has been provided and share the public notice with the eligible entity that awarded the subgrant;

(F) shall carry out public awareness campaigns in service areas that are designed to highlight the value and benefits of broadband service in order to increase the adoption of broadband service by consumers; and

(G) if the entity is no longer able to provide broadband service to the locations covered by the subgrant at any time, shall sell the network capacity at a reasonable, wholesale rate on a nondiscriminatory basis to other broadband service providers or public sector entities.

(5)

SA 2562. Mr. LEE submitted an amendment intended to be proposed to

amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division F, add the following:

TITLE VI—NO DUPLICATION OF FUNDING FOR BROADBAND INFRASTRUCTURE

SEC. 60601. NO DUPLICATION OF FUNDING FOR BROADBAND INFRASTRUCTURE.

None of the amounts made available under this division or an amendment made by this division may be awarded for the construction, operation, or upgrading of broadband infrastructure to serve customers in an area that is served by a broadband provider that receives funds under another Federal broadband program.

SA 2563. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division F, add the following:

TITLE VI—NO OVERBUILDING CAUSED BY DUPLICATION WITH UNIVERSAL SERVICE SUPPORT OR OTHER FEDERAL BROADBAND FUNDS

SEC. 60601. NO OVERBUILDING CAUSED BY DUPLICATION WITH UNIVERSAL SERVICE SUPPORT OR OTHER FEDERAL BROADBAND FUNDS.

The Assistant Secretary of Commerce for Communications and Information may not award amounts under this division or an amendment made by this division if the Federal Communications Commission determines that the award would likely lead to overbuilding by a recipient of—

(1) universal service support; or

(2) amounts provided under another Federal program for the provision of broadband internet access service.

SA 2564. Mr. CARPER (for himself, Mr. INHOFE, Mr. WICKER, and Ms. DUCKWORTH) proposed an amendment to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows:

On page 2486, line 14, strike “Provided” and all that follows through “proviso:” on line 21 and insert the following: “Provided further, That of the amount provided under this heading in this Act, \$2,500,000,000 shall be for construction, replacement, rehabilitation, and expansion of inland waterways projects: *Provided further*, That section 102(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 33 U.S.C. 2212(a)) and section 109 of the Water Resources Development